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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 PHUONG DUONG, et al.,)
09 Plaintiffs,) CASE NO. C11-2013-RSL
10 v.)
11 SIX UNKNOWN AGENTS, et al.,) REPORT AND RECOMMENDATION
12 Defendants.)
13 _____)

14 Plaintiffs Phuong Duong, Young Yil Jo, and Uriel Castaneda are federal prisoners
15 currently incarcerated at the Big Spring Correctional Institution in Big Spring, Texas. On
16 December 5, 2011, plaintiffs submitted a proposed civil rights complaint to this Court for
17 review. (Dkt. 1.) However, plaintiffs failed to submit either the \$350 filing fee or
18 applications for leave to proceed with this action *in forma pauperis* (IFP). Accordingly, the
19 Clerk sent plaintiff Duong a letter advising him that he would have to submit either the entire
20 filing fee or an IFP application on or before January 5, 2012, and that his failure to do so could
21 result in dismissal of his case. (Dkt. 6.) The Clerk also sent plaintiff the appropriate IFP
22 forms. (*See id.*) To date, plaintiffs have submitted neither the filing fee nor applications to

01 proceed IFP.

02 As plaintiffs have had ample time to comply with the filing fee requirement, but have
03 failed to do so, this Court recommends that the instant action be dismissed without prejudice for
04 failure to prosecute.¹ A proposed Order accompanies this Report and Recommendation.

05 DATED this 25th day of January, 2012.

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08 Mary Alice Theiler
09 United States Magistrate Judge
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21 1 The Court notes that an almost identical complaint filed by plaintiffs was recently
22 recommended for dismissal for failure to state a claim upon which relief may be granted, *see Castaneda*
v. Six Unknown Agents, C11-1963-RSM-JPD (Dkt. 6), while a similar complaint filed by Duong was
dismissed by this Court on October 3, 2011 for failure to prosecute, given the absence of a filing fee or
IFP application, *see Duong v. Six Unknown Names Agents*, C11-1144-JLR (Dkt. 6).